

1 HEATHER E. WILLIAMS, Bar #122664
2 Federal Defender
3 DAVID M. PORTER, Bar #127024
4 Assistant Federal Defender
5 Counsel Designated for Service
6 801 I Street, 3rd Floor
7 Sacramento, California 95814
8 Telephone: (916) 498-5700

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11 Attorneys for Defendant
12 ESEQUIEL QUESADA-GARCIA

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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UNITED STATES OF AMERICA,
Plaintiff,
v.
ESEQUIEL QUESADA-GARCIA,
Defendant.

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No. Cr. S 02-519 KJM
**STIPULATED MOTION AND ORDER TO
REDUCE SENTENCE PURSUANT TO 18
U.S.C. § 3582(c)(2)**
RETROACTIVE DRUGS-MINUS-TWO
REDUCTION CASE
Judge: Honorable KIMBERLY J. MUELLER

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Defendant, ESEQUIEL QUESADA-GARCIA, by and through his attorney, Assistant Federal Defender David M. Porter, and plaintiff, UNITED STATES OF AMERICA, by and through its counsel, Assistant U.S. Attorney Jason Hitt, hereby stipulate as follows:

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1. Pursuant to 18 U.S.C. § 3582(c)(2), this Court may reduce the term of imprisonment in the case of a defendant who has been sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission pursuant to 28 U.S.C. § 994(o);

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2. On June 7, 2004 this Court sentenced Mr. Quesada-Garcia to a term of 121 months as to Counts 1 and 2, to run concurrently to each other, and 60 months as to Count 3, to run consecutively to the term on Counts 1 and 2, for a total term of 181 months imprisonment;

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3. His total offense level as to Counts 1 and 2 was 32, his criminal history category was I, and the resulting guideline range was 121 to 151 months;

1 4. The sentencing range applicable to Mr. Quesada-Garcia was subsequently
2 lowered by the United States Sentencing Commission in Amendment 782, made retroactive on
3 July 18, 2014, see 79 Fed. Reg. 44,973;

4 5. Mr. Quesada-Garcia's total offense level as to Counts 1 and 2 has been reduced
5 from 32 to 30, and his amended guideline range is 120 to 121 months;

6 6. Accordingly, the parties request the Court enter the order lodged herewith
7 reducing Mr. Quesada-Garcia's term of imprisonment to a term of 120 months as to Counts 1
8 and 2, to run concurrently to each other, and 60 months as to Count 3, to run consecutively to the
9 term on Counts 1 and 2, for a total term of 180 months imprisonment.

10 Respectfully submitted,

11 Dated: May 15, 2015

12 Dated: May 15, 2015

13 BENJAMIN B. WAGNER
United States Attorney

HEATHER E. WILLIAMS
Federal Defender

14 /s/ Jason Hitt
15 JASON HITT
16 Assistant U.S. Attorney

/s/ David M. Porter
DAVID M. PORTER
Assistant Federal Defender

17 Attorney for Plaintiff
UNITED STATES OF AMERICA

18 Attorney for Defendant
ESEQUIEL QUESADA-GARCIA

ORDER

19 This matter came before the Court on the stipulated motion of the defendant for reduction
20 of sentence pursuant to 18 U.S.C. § 3582(c)(2).

21 The parties agree, and the Court finds, that Mr. Quesada-Garcia is entitled to the benefit
22 Amendment 782, which reduces the total offense level from 32 to 30, resulting in an amended
23 guideline range of 120 to 121 months.

24 IT IS HEREBY ORDERED that the term of imprisonment imposed in June 2004 is
25 reduced to a term of 120 months as to Counts 1 and 2, to run concurrently to each other, and 60
26 months as to Count 3, to run consecutively to the term on Counts 1 and 2, for a total term of 180
27 months imprisonment.

1 IT IS FURTHER ORDERED that all other terms and provisions of the original judgment
2 remain in effect. The clerk shall forthwith prepare an amended judgment reflecting the above
3 reduction in sentence effective November 1, 2015, and shall serve certified copies of the
4 amended judgment on the United States Bureau of Prisons and the United States Probation
5 Office.

6 Unless otherwise ordered, Mr. Quesada-Garcia shall report to the United States Probation
7 Office within seventy-two hours after his release.

8 Dated: May 19, 2015.

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11 UNITED STATES DISTRICT JUDGE
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